

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Squad #2	CCRB Case #: 201501365	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/10/2014 5:30 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 4/10/2016	EO SOL 4/10/2016	
Date/Time CV Reported Fri, 10/10/2014 10:07 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/25/2015 7:46 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Evangelos Dimitrakakis	01793	932554	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A . DT3 Evangelos Dimitrakakis	Abuse of Authority: Det. Evangelos Dimitrakakis entered and searched residences inside of § 87(2)(b) in Brooklyn.	A . § 87(2)(g)
B . DT3 Evangelos Dimitrakakis	Other: There is evidence suggesting Det. Evangelos Dimitrakakis provided a false official statement in violation of PG 203-08	B . § 87(2)(g)

### Case Summary

On October 10, 2014, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB), generating IAB log #14-33705 (Board Review 01). On February 25, 2015, this case was received by the CCRB.

On October 10, 2015, at approximately 5:30 a.m., officers entered and searched residences inside of § 87(2)(b) in Brooklyn on a warrant obtained by Det. Evangelos Dimitrakakis of Brooklyn North Narcotics (allegation A). Det. Dimitrakakis intentionally made a false official statement when he stated that he believed § 87(2)(b) to be a single family home prior to obtaining and executing the search warrant (allegation B). § 87(2)(b) the tenant of the first floor apartment, was issued a summons for § 87(2)(b) (Board Review 02). No arrests were made.

### Mediation, Civil and Criminal Histories

- Mediation was offered but rejected.
- § 87(2)(b) has no criminal convictions within the last ten years.
- As of May 20, 2015, a notice of claim with the City of New York has not been filed in regards to this incident (Board Review 03).

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 04).
- Det. Evangelos Dimitrakakis has been a member of the NYPD for 12 years, has had seven previous CCRB cases involving 11 allegations with four substantiated allegations. In CCRB case #200507503, allegations of force, threat of arrest, discourtesy and a vehicle search were substantiated. The CCRB recommended charges. However, he received instructions from the NYPD. § 87(2)(g)

### Potential Issues

- § 87(2)(b) the second floor tenant, provided a phone statement but did not provide a sworn statement (Board Review 05). § 87(2)(b) the first floor tenant, appeared for an in-person interview without photo identification and never returned a notarized copy of the verification letter (Board Review 06). § 87(2)(b) the super of the building and tenant of the basement apartment, is the only person who provided a sworn statement (Board Review 07); however, he was not home when the search warrant was conducted.

### Findings and Recommendations

#### Allegations not pleaded

- **Force- Gun Pointed:** § 87(2)(b) and § 87(2)(b) alleged that officers pointed guns at them and their children. However, they did not provide sworn statements.
- **Abuse of Authority- Refusal to show search warrant:** § 87(2)(b) alleged that she asked to see a copy of the search warrant which was never shown to her. She did not provide a sworn statement.
- **Abuse of Authority- Property Damage:** The damage to the tenants' doors was subsumed under the entry and therefore not pleaded.

**Allegation A –Abuse of Authority: Det. Evagelos Dimitrakakis entered and searched residences inside of § 87(2)(b) in Brooklyn.**

It is undisputed that Det. Evangelos Dimitrakakis and members of his field team entered and searched residences inside of § 87(2)(b) in Brooklyn pursuant to a search warrant.

This search warrant was issued by Judge Dominguez based on information provided by Det. Dimitrakakis in the search warrant affidavit. However, there are claims made by Det. Dimitrakakis in the search warrant affidavit that are false beginning with the claim that § 87(2)(b) is a single-family home.

§ 87(2)(b) and § 87(2)(b) all agree that § 87(2)(b) is a multiple family home. § 87(2)(b) the superintendent, lives in the basement apartment. § 87(2)(b) and her children live in the first floor apartment and § 87(2)(b) and her children live in the second floor apartment.

The Department of Buildings, through information publicly available on their website, confirms that § 87(2)(b) is a two-family home (Board Review 08). Lexis Nexis, which reflects publicly available information, reveals that there are two apartments within § 87(2)(b) and multiple residents currently living in both apartments.

In the affidavit, Det. Dimitrakakis presented documentation describing a reconnaissance visit he conducted in which he described the location. He noted that once you enter the front door, there is a living room and a kitchen to the right and bedrooms situated towards the back of the house. He concluded that the house is a one family private house and is open space showing no doors separating the two floors.

Photographs taken inside of § 87(2)(b) clearly show that the address is a multi-family home. Once you enter the front door, there is a hallway. In the hallway are multiple solid doors with key access locks on them. The door at the end of the hallway even has a peep hole. There is not an open home layout as he described and while there may be no doors immediately at the top or the bottom of the staircase there are multiple doors separating the two living spaces on the first and second floors. (Board Review 10-18).

Det. Dimitrakakis also noted that during this visit, he spoke to the occupants and confirmed that § 87(2)(b) “Street” is a single family house. Not only did he misrepresent the address, he clearly did not verify that § 87(2)(b) “Avenue” was a single family house. Had he done so, for reasons mentioned above, he would have determined the opposite—that § 87(2)(b) is a multi-family house.

Not only did Det. Dimitrakakis make misrepresentations regarding the location in documents presented to the judge, he omitted information that could have led the judge to come to this conclusion himself. § 87(2)(e), § 87(2)(f)

Det. Dimitrakakis also noted in the affidavit that on September 26, 2014 he performed a reconnaissance at § 87(2)(b) in order to become familiarized with the location. He described that the location as a two story private house with yellow siding located on the east side of Williams Street between Linden Boulevard and Dewitt Avenue. He further described that the front of the house has three windows on the second floor and two windows on the first floor and the house is clearly marked “§ 87(2)(b)” to the right of the front door. He omitted the fact that, as seen in a photograph of the house from Google maps, that also directly to the right of the front door and under the “§ 87(2)(b)” marking

are two mailboxes. § 87(2)(g)

Tenants of apartments, as well as any other leased dwelling units such as single-room occupancies, have an expectation of privacy in their homes. U.S. v. Elliott, 50 F.3d 180 (1995) (Board Review 19).

§ 87(2)(g)

The private house described to the judge, that the judge granted him access to, does not actually exist.

§ 87(2)(g)

**Allegation B- Other- False Official Statement- There is evidence suggesting Det. Evagelos Dimitrakakis provided a false official statement in violation of PG 203-08**

The CCRB recommends that the NYPD conduct further investigation as there is evidence to suggest that Det. Evagelos Dimitrakakis provided a false official statement. The evidence is as follows:

Det. Dimitrakakis made two false statements: one to the judge in the search warrant affidavit and one during his CCRB interview. In the search warrant affidavit, Det. Dimitrakakis stated, “On September 30, the affiant [Det. Dimitrakakis] interviewed the occupants of the location and confirmed that 779 Williams Street is a single family house.” (Board Review 20)

Evidence developed during the CCRB investigation shows this statement to be false. Documentation obtained from a routine check with the Department of Buildings indicated that § 87(2)(b) has multiple residences. In addition, Det. Dimitrakakis stated to the CCRB that the confidential informant told him prior to the search warrant application and execution about single room occupancy units at the location. (Board Review 09).

The following exchange occurred during Det. Dimitrakakis’ CCRB interview:

§ 87(2)(e), § 87(2)(f)

This statement to the CCRB contains two false claims. § 87(2)(e), § 87(2)(f)

§ 87(2)(e), § 87(2)(f) As explained above, the affidavit plainly states that the judge was led to believe that the location was a single family house § 87(2)(e), § 87(2)(f)

Patrol Guide Procedure 203-08 prohibits officers from intentionally making false official statements to the CCRB (Board Review 19). In order to prove a false official statement, it must be shown that a statement was: 1) made in the course of an official investigation; 2) material to the investigation, and; 3) intentionally false. Dept. of Correction v. Centeno, OATH Index No. 2031/04 (2005) (Board Review 21)

§ 87(2)(g)

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Pod: 2

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date